

VII. Working with States, EPA, and Other Agencies

Roles and Responsibilities

Introduction

- “Lead” and “support” agencies share responsibility for evaluation of ARARs
- Coordination between agencies is essential

Lead & Support Agencies

DOE Lead Agency Authority

- CERCLA delegates response authority to the President
- President has delegated to DOE
- DOE's response authority includes responsibility to identify and select ARARs

Lead & Support Agencies

Lead Agency Responsibilities-Overview

- Identify ARARs in conjunction with support agencies
- Evaluate waiver decisions
- Prepare administrative record including ARARs data
- Ensure compliance with and attainment of ARARs

Lead & Support Agencies

EPA Authority

- EPA has concurrence authority over selection of remedial action selection at NPL sites
- Interagency Agreements (IAGs) establish framework for EPA oversight

Lead & Support Agencies

State Authority

- State agencies have CERCLA authority to participate in identifying and reviewing potential ARARs
- State agencies may have independent authority to require compliance with state ARARs

Lead & Support Agencies

State ARARs

- Promulgated State standards
 - ➡ Legally enforceable
 - ➡ Generally applicable
- More stringent than federal requirements
- Identified by state in a timely manner

Lead & Support Agencies

Other Support Agencies

- Federal agencies that may also have support agency responsibilities include:
 - Corps of Engineers
 - U.S. Coast Guard
 - Nuclear Regulatory Commission
 - Defense Nuclear Facilities Safety Board
 - Fish and Wildlife Service

Lead & Support Agencies

Interagency Agreements (IAGs)

- IAGs required at each federal facility listed on the NPL
- IAGs specify process for reviewing, evaluating, and selecting remedial action
- IAGs may alter roles and responsibilities of lead and support agencies
- IAGs establish dispute resolution procedures

Lead & Support Agencies

Conclusion

- As lead agency, DOE is responsible for identifying, evaluating, and selecting ARARs
- Responsibility must be coordinated with:
 - EPA oversight and remedy approval responsibility
 - State consultation and independent enforcement responsibility
 - Process and interaction established by IAG

Lead & Support Agencies